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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/750,589 | 12/31/2003 | Hong Jiang | ITL1710US (P18028) | 8821 |
| 21906 7590 12/08/2008 TROP PRUNER & HU, PC 1616 S. VOSS ROAD, SUITE 750 HOUSTON, TX 77057-2631 | | | | |
| EXAMINER | | | | |
| WALERIC CHARLES | | | | |
| ART UNIT | | PAPER NUMBER | | |
| 2195 | | | | |
| MAIL DATE | | DELIVERY MODE | | |
| 12/08/2008 | | PAPER | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action
Before the Filing of an Appeal Brief

Application No.

10/750,589

Applicant(s)

JIANG ET AL.

Examiner

ERIC C. WAI

Art Unit

2195

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 21 July 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: None.
Claim(s) objected to: None.
Claim(s) rejected: 12-21 and 26-34.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
13. ☒ Other: See Continuation Sheet

/Meng-Ai An/
Supervisory Patent Examiner, Art Unit 2195

Continuation of 13. Other: Applicant argues on pg 6 or Remarks:

"Claim 12 requires that "in response to receiving the semaphore acknowledge message, the thread of instructions is removed from the inactive state." This cannot possibly happen in Wenniger. In Wenniger, what happens, is, if process A has control of the resource and process B seeks control, process B may await receipt of an interrupt from the hardware semaphore 120. Thereafter, process B can attempt to control process 110."

Examiner disagrees. In Wenniger process B is inactive (i.e. not actively polling) until an interrupt is received. Once that interrupt is received, process B is then removed from an inactive state (i.e. allowed to poll).

Applicant argues on pg 6 or Remarks:

"In other words, if the process B was ever in an inactive state (and that certainly is not specified in the reference), it is no longer in an inactive state after it receives the interrupt. But after it receives the interrupt (in other words in response to the interrupt), it is no longer possible that the process B can be in an inactive state. But, in response to the interrupt, it has not been granted "control of the semaphore in response to the semaphore request message.""

Examiner disagrees. As indicated above, process B can be interpreted to be in an inactive state wherein process B is not actively polling the semaphore. Furthermore, claim 12 does not explicitly require that control of the semaphore be granted. Claim 12 uses the modifier "selectively", thereby indicating that control is not necessary granted. This is also taught by Wenniger.

Applicant argues on pg 6 or Remarks:

"If the claim is read so that the interrupt is the semaphore acknowledge, then if the thread was in an inactive state, it is removed from the inactive state, but control of the semaphore is not thereby granted because it is still necessary for the resource to query the hardware semaphore. See Wenniger, column 6, lines 15-22."

Examiner disagrees. As argued above, claim 12 uses the modifier "selectively", thereby indicating that control is not necessary granted. This is also taught by Wenniger.

Applicant argues on pg 6 or Remarks:

"Conversely, if the claim is attempted to be read on the querying of the hardware semaphore, it is impossible that anything that is received in response to such a query of the hardware semaphore enables a thread of instructions to be removed from the inactive state because it necessarily was removed from the inactive state (if it was ever in the inactive state) in response to receipt of the interrupt. Therefore, there is simply no way to read claim 12 on Wenniger."

Examiner disagrees. Claim 12 only requires that a semaphore acknowledge message remove the thread from the inactive state. Claim 12 does not require that the granting control of the semaphore definitively occur based on the acknowledge message. As such, Wenniger, by using an interrupt to remove a process from an inactive state by allowing that process to start polling, reads upon the claimed invention.